

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Annette Rodriguez	Team: Squad #12	CCRB Case #: 202206015	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/31/2022 12:51 AM	Location of Incident: Manhattan Central Booking	18 Mo. SOL 2/29/2024	Precinct: 05
Date/Time CV Reported Wed, 08/31/2022 11:23 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/08/2022 1:42 PM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Leander Feaggins	17839	937868	M COURT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Renan Darbouze	13128	942741	M COURT
2. SGT Teara Wilson	04333	935973	M COURT
3. SGT Kit Yung	05493	942737	M COURT
4. PO Brandon Ashley	19888	962228	M COURT
5. PO Anastasia Aquartmorgan	13404	969486	M COURT

Officer(s)	Allegation	Investigator Recommendation
A . PO Leander Feaggins	Force: Police Officer Leander Feaggins hit § 87(2)(b) against a wall.	
B . PO Leander Feaggins	Force: Police Officer Leander Feaggins used a chokehold against § 87(2)(b)	
C . PO Leander Feaggins	Force: Police Officer Leander Feaggins restricted § 87(2)(b) breathing.	
D . PO Leander Feaggins	Force: Police Officer Leander Feaggins hit § 87(2)(b) against a window.	
E . PO Leander Feaggins	Force: Police Officer Leander Feaggins used physical force against § 87(2)(b)	
F . PO Leander Feaggins	Force: Police Officer Leander Feaggins used physical force against § 87(2)(b)	
G . PO Leander Feaggins	Force: Police Officer Leander Feaggins tightly handcuffed § 87(2)(b)	
H . PO Leander Feaggins	Abuse: Police Officer Leander Feaggins refused to provide his shield number to § 87(2)(b)	

Case Summary

On August 31, 2022, Captain Noema Ioffe of Manhattan Court Section reported this incident via telephone call to IAB, generating original IAB log #§ 87(2)(b). A spin-off was then referred to the CCRB, where it was received on September 8, 2022.

On August 31, 2022, at approximately 12:51 AM, a physical struggle occurred at Manhattan Central Booking involving PO Leander Feaggins of Manhattan Court Section and § 87(2)(b). During that struggle, PO Feaggins swung § 87(2)(b) against a wall and then swung him against another wall (**Allegation A: Force, § 87(2)(g)**). PO Feaggins then placed his right hand on § 87(2)(b) neck, restricting his breathing (**Allegations B and C: Force, § 87(2)(g)**). PO Feaggins allegedly pushed § 87(2)(b) against a gated window (**Allegation D: Force, § 87(2)(g)**). PO Feaggins allegedly pulled § 87(2)(b) rear-handcuffed arms upward, toward his upper back, causing shoulder pain, and allegedly pushed the handcuffs against § 87(2)(b) back, scraping him (**Allegation E: Force, § 87(2)(g)**). PO Feaggins allegedly applied his body weight to § 87(2)(b) knee using his own knee (**Allegation F: Force, § 87(2)(g)**). PO Feaggins allegedly further tightened § 87(2)(b) handcuffs after they were initially applied (**Allegation G: Force, § 87(2)(g)**). PO Feaggins then allegedly failed to provide § 87(2)(b) with his shield number (**Allegation H: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was already in police custody at the time of this incident. He was not summonsed or re-arrested as a result of this incident.

The investigation obtained surveillance video from Manhattan Central Booking and converted it to a VLC-compatible format so that it is playable directly from CTS (Board Review 01).

There is no Body-Worn Camera (BWC) video associated with this incident as the officers were not equipped with BWCs.

Findings and Recommendations

Allegation (B) Force: Police Officer Leander Feaggins used a chokehold against § 87(2)(b).

Allegation (C) Force: Police Officer Leander Feaggins restricted § 87(2)(b) breathing.

§ 87(2)(b) was interviewed by the CCRB on December 13, 2022 (Board Review 02). § 87(2)(b) stated that he was in a holding cell waiting to be seen by a judge at Manhattan Central Booking and felt aggravated because he had been waiting over 24 hours. § 87(2)(b) requested that PO Feaggins review his paperwork as he still had not been able to see a judge. PO Feaggins said something under his breath, which § 87(2)(b) did not recall. § 87(2)(b) also did not recall what he said in response. PO Feaggins then entered the cell and removed § 87(2)(b) from his cell. PO Feaggins handcuffed § 87(2)(b) and a physical altercation ensued (analyzed in further detail below in the analyses of Allegations A and D through G). § 87(2)(b) did not recall if PO Feaggins made contact with or applied pressure to his neck at any point during the altercation.

Note that during an initial phone call with the CCRB on September 21, 2022, § 87(2)(b) stated that PO Feaggins choked him (Board Review 03).

The incident in question was captured on surveillance video from Manhattan Central Booking (Board review 01). The video shows, at the 51 minutes 24 seconds mark, PO Feaggins – a black male, in uniform, with a beard, and wearing a black facemask around his chin – escorting § 87(2)(b) out of a cell near the bottom of the frame. PO Feaggins holds § 87(2)(b) left arm. § 87(2)(b) is rear-handcuffed. At 51 minutes 32 seconds, § 87(2)(b) sits on the ground and slides his rear-handcuffed hands beneath his feet, moving his hands to the front of his body. § 87(2)(b) stands up with now front-handcuffed hands.

The investigation used the Axon Investigate video analysis software to create a cropped and enlarged version of the surveillance video from Manhattan Central Booking (Board Review 12). At 51 minutes and 38 seconds, PO Feaggins appears to speak to § 87(2)(b) but the video does not capture audio. At 51 minutes and 50 seconds, a physical struggle begins (analyzed in greater detail below, in the analyses of Allegations A and D through G). At 51 minutes 53 seconds, § 87(2)(b) and PO Feaggins move into a corner near the cell farthest from the camera, at the top of the video's frame.

At 51 minutes and 53 seconds, the video captures PO Feaggins placing his right hand against § 87(2)(b) neck and lifting him upward. PO Feaggins' thumb is on the left side of § 87(2)(b) neck and his fingers are against the right side of § 87(2)(b) neck. § 87(2)(b) stands on tiptoe as a result. At 51 minutes and 54 seconds, PO Renan Darbouze of Manhattan Court Section, who wears blue gloves and stands to the right of PO Feaggins, attempts to remove PO Feaggins' hand from § 87(2)(b) neck. At 51 minutes and 57 seconds, PO Feaggins removes his right hand from § 87(2)(b) neck. This portion of video may be shown more clearly when advancing frame by frame, possible by pausing and pressing the "E" key in VLC.

PO Feaggins was interviewed by the CCRB on February 8, 2023 (Board Review 04). PO Feaggins testified that § 87(2)(b) was unable to see a judge on the evening in question because the last case had been heard. As such, § 87(2)(b) needed to be escorted to a holding cell in the basement where defendants were held overnight. § 87(2)(b) acted "irate" and "belligerent" by screaming profanities and threatening to throw toilet water at the officers if they did not allow him to see the judge. PO Feaggins entered § 87(2)(b) cell, handcuffed him, and removed him from the cell, initially without resistance from § 87(2)(b). However, once out of the cell, § 87(2)(b) sat down on the floor and moved his rear handcuffed hands beneath his feet so that he was front handcuffed. § 87(2)(b) yelled and screamed in close proximity to PO Feaggins' face, spraying saliva. § 87(2)(b) did not deliberately spit at PO Feaggins, but saliva droplets hit PO Feaggins' face as § 87(2)(b) yelled. With regard to contact with § 87(2)(b) neck, PO Feaggins stated that he used both of his hands to guide § 87(2)(b) neck and push his head up to prevent § 87(2)(b) from possibly biting, spitting, or headbutting him, due to how close he was to PO Feaggins. There was no other reason why PO Feaggins moved § 87(2)(b) head in this manner. PO Feaggins placed his fingers on the sides of § 87(2)(b) jaw, with his thumbs on the bottom of § 87(2)(b) chin and directed § 87(2)(b) face upward. PO Feaggins did not take any action that may have restricted § 87(2)(b) breathing, and § 87(2)(b) did not say anything that suggested that his breathing was restricted. PO Feaggins did not recall if any officer pulled him away from § 87(2)(b).

PO Feaggins reviewed above-detailed surveillance video during his CCRB interview. PO Feaggins acknowledged that his right hand was around § 87(2)(b) "neck area." When asked what he meant by "neck area," PO Feaggins stated that his hand was just below § 87(2)(b) jaw. PO Feaggins maintained that he did not apply pressure to § 87(2)(b) airways and reiterated that he was only trying to push § 87(2)(b) chin upward.

PO Darbouze was interviewed by the CCRB on March 17, 2023 (Board Review 05). PO Darbouze

did not recall if PO Feaggins' hands ever came into contact with § 87(2)(b) neck or if PO Feaggins took any action which may have restricted § 87(2)(b) breathing. PO Darbouze did not remember if § 87(2)(b) said anything which may have suggested that his breathing was restricted. PO Darbouze was presented with the above cited surveillance video during his CCRB interview. PO Darbouze acknowledged that PO Feaggins made contact with § 87(2)(b) neck. Based on the video, it appeared to PO Darbouze that he removed PO Feaggins' hand from § 87(2)(b) neck, but he did not have an independent recollection of doing so.

Per NYPD Patrol Guide Procedure 221-01 (Board Review 06), a chokehold includes, but is not limited to, any pressure to the throat, carotid artery, or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow. Such action is prohibited.

The above-detailed surveillance video clearly shows that PO Feaggins placed his right hand on § 87(2)(b) neck. Video evidence further shows that PO Feaggins lifted § 87(2)(b) body upward by his neck such that § 87(2)(b) stood on tiptoe. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (A) Force: Police Officer Leander Feaggins hit § 87(2)(b) against a wall.

Allegation (D) Force: Police Officer Leander Feaggins hit § 87(2)(b) against a window.

Allegation (E) Force: Police Officer Leander Feaggins used physical force against § 87(2)(b).

Allegation (F) Force: Police Officer Leander Feaggins used physical force against § 87(2)(b).

Allegation (G) Force: Police Officer Leander Feaggins tightly handcuffed § 87(2)(b).

Allegation (H) Abuse of Authority: Police Officer Leander Feaggins refused to provide his shield number to § 87(2)(b).

§ 87(2)(b) stated that before PO Feaggins used force against him, § 87(2)(b) did not take any physical action other than turn his head to look at PO Feaggins. § 87(2)(b) denied taking any action that he believed would make any officer fear for their safety and denied resisting in any way (Board Review 02). § 87(2)(b) stated that after he was handcuffed outside of the cell, PO Feaggins placed one hand on § 87(2)(b) handcuffs, behind him, and the other hand on § 87(2)(b) back. PO Feaggins then swung § 87(2)(b) against a gated window, causing § 87(2)(b) face and chest to strike the gated window. (Note that § 87(2)(b) alleged only one such swinging action). Next, PO Feaggins pulled § 87(2)(b) rear-handcuffed hands upward, toward § 87(2)(b) upper back, causing pain to his shoulders. Then, as PO Feaggins lifted § 87(2)(b) rear-handcuffed hands, he used the handcuffs to scratch § 87(2)(b) back approximately three times, and § 87(2)(b) believed this action to be intentional. § 87(2)(b) stated that he sustained three lacerations on his back as a result. Next, while § 87(2)(b) was still adjacent to the gated window, PO Feaggins applied his full body weight to § 87(2)(b) left knee using one of his knees. As a result, § 87(2)(b) described sustaining an injury to his knee which he described as similar to rope burn. Additionally, PO Feaggins' actions exacerbated a preexisting knee injury that § 87(2)(b) had sustained a year prior. According to § 87(2)(b) Sgt. Kit Yung of Manhattan Court Section took hold of PO Feaggins' arm and attempted to pull PO Feaggins away from § 87(2)(b) PO Feaggins did not move away from § 87(2)(b) but instead, further tightened § 87(2)(b).

§ 87(2)(b) handcuffs. § 87(2)(b) sustained a laceration on each wrist where the handcuffs cut him. § 87(2)(b) believed that Sgt. Yung may also have advised PO Feaggins to stop and warned him that he could lose his job. As PO Feaggins held onto § 87(2)(b) arms, § 87(2)(b) requested his shield number. PO Feaggins did not acknowledge the request, nor did he provide his shield number to § 87(2)(b). PO Feaggins then released § 87(2)(b) and Sgt. Yung escorted § 87(2)(b) to a holding cell in the basement. § 87(2)(b) did not interact with PO Feaggins again while at Manhattan Central Booking.

§ 87(2)(b) provided the investigation with photographs of the injuries he stated he sustained as a result of this incident (Board Review 07).

§ 87(2)(b) stated that another prisoner who was present at Manhattan central Booking – a young Hispanic male – witnessed this incident. Via the Manhattan Central Booking Detention Pen Log (Board Review 13), the investigation identified § 87(2)(b) as the witness in question. However, § 87(2)(b) is apparently unhoused, and the investigation was unable to obtain any statement from him.

Although not alleged by § 87(2)(b), surveillance video shows that PO Feaggins swung § 87(2)(b) against two walls during their physical altercation, before the sequence of events which § 87(2)(b) described, detailed above.

Surveillance video from Manhattan Central Booking (Board Review 01) shows, at 51 minutes and 24 seconds, PO Feaggins escorting § 87(2)(b) out of the cell near the bottom of the frame. At 51 minutes 33 seconds, § 87(2)(b) sits on the ground and slides his rear-handcuffed hands beneath his feet, moving his hands to the front of his body. § 87(2)(b) stands up with now front-handcuffed hands. At 51 minutes and 39 seconds, PO Feaggins speaks with § 87(2)(b) as he holds him against the bars of a holding cell. § 87(2)(b) chest is against the bars as PO Feaggins, behind him, holds § 87(2)(b) by the left arm. After what appears to be several seconds of conversation, at 51 minutes 50 seconds, § 87(2)(b) turns his body to his left, towards PO Feaggins, and a physical struggle ensues. At 51 minutes and 51 seconds, PO Feaggins appears to swing § 87(2)(b) towards the wall on the left side of the frame. § 87(2)(b) back hits the wall. PO Feaggins then appears to swing § 87(2)(b) towards the corner near the holding cell farthest from the camera to the right, of a door. § 87(2)(b) back hits the wall. As addressed in the analysis of Allegations B and C, between 51 minutes 54 seconds and 51 minutes 58 seconds, PO Feaggins places his hand against § 87(2)(b) neck. Then, at 52 minutes and 04 seconds, PO Feaggins guides § 87(2)(b) out of view of the camera, behind a wall. (This is the area where § 87(2)(b) alleged that PO Feaggins pushed him against a gated window, pulled his arms upward, scratched his back with the handcuffs, placed his bodyweight on § 87(2)(b) knee, and tightened his handcuffs.) § 87(2)(b) remains out of view until 53 minutes 10 seconds. PO Feaggins stands upright, behind him, all the while. At 52 minutes 50 seconds, Sgt. Yung moves in front of PO Feaggins, who backs away from the out-of-view area before turning and walking toward the camera. § 87(2)(b) briefly reappears at 53 minutes 10 seconds. After 53 minutes 35 seconds, Sgt. Yung appears to re-handcuff § 87(2)(b) in a rear-handcuffed position. After 53 minutes 49 seconds, PO Darbouze escorts § 87(2)(b) through the door at the top of the frame.

PO Feaggins addressed the content of the above-detailed surveillance video during his CCRB interview (Board Review 04). PO Feaggins described § 87(2)(b) as “irate” and “belligerent” because he was screaming and yelling profanities. Several seconds after exiting the cell, § 87(2)(b) lowered himself to the floor and moved his rear-handcuffed hands under his feet to the front of his body. PO Feaggins grew concerned and believed that this indicated § 87(2)(b) desire to fight. PO Feaggins was also concerned that § 87(2)(b) could now use his hands to strike an

officer. PO Feaggins told § 87(2)(b) to relax, and that court appearances were concluded for the night. However, § 87(2)(b) did not calm down, but instead engaged in “lunging” by bending his upper body toward PO Feaggins. PO Feaggins stated that he and § 87(2)(b) moved from in front of the cell to the wall on the left side of the frame due to § 87(2)(b) actions; § 87(2)(b) briefly pulled away from PO Feaggins, escaping his grasp, and PO Feaggins attempted to regain control of § 87(2)(b). He stated that he then guided § 87(2)(b) by the arms to the far side of the room, near a gated window (Board Review 04). § 87(2)(b) back and shoulders made contact with the gated window as PO Feaggins moved him against it. PO Feaggins did not forcibly shove § 87(2)(b) against the gated window, but “leaned” him against it. PO Feaggins kept his hands on § 87(2)(b) arms for the entire duration of time when they were adjacent to the gated window (the area out of view of the surveillance camera in the video detailed above). There, PO Feaggins told § 87(2)(b) that he had to calm down. There was no other physical interaction near the window. PO Feaggins did not use his body weight against § 87(2)(b) knee, nor did he take any action which may have caused injury to § 87(2)(b) knee. PO Feaggins did not make any attempt to rear handcuff § 87(2)(b). He did not lift § 87(2)(b) rear handcuffed hands towards his upper back, nor did he use the handcuffs to cause injury to § 87(2)(b) back. PO Feaggins did not further tighten § 87(2)(b) handcuffs at any point during the interaction. A few seconds after getting to the window area, Sgt. Yung arrived and patted PO Feaggins shoulder as he told him, “We’ll take it from here.” Sgt. Yung did not give PO Feaggins any instruction regarding § 87(2)(b). § 87(2)(b) was then escorted downstairs by other officers whose identities PO Feaggins did not recall. § 87(2)(b) did not request PO Feaggins’ shield number at any point during the interaction, and PO Feaggins did not refuse to provide his shield number to § 87(2)(b).

PO Darbouze, who was also present for this incident, did not recall if PO Feaggins pushed § 87(2)(b) against a wall (Board Review 05). PO Darbouze did not recall if PO Feaggins lifted § 87(2)(b) rear handcuffed hands towards his upper back or if he used the handcuffs to cause injury to § 87(2)(b) back. PO Darbouze did not recall if PO Feaggins further tightened § 87(2)(b) handcuffs at any point. PO Darbouze did not recall if § 87(2)(b) ever requested PO Feaggins’ shield number or if PO Feaggins refused to provide his shield number. PO Darbouze did not recall how § 87(2)(b) and PO Feaggins moved from the cells to the wall across from the cells.

Sgt. Yung was interviewed by the CCRB on March 21, 2023 (Board Review 08). Sgt. Yung’s testimony was generally similar to that of PO Darbouze – he did not recall PO Feaggins using the force alleged here – except for the following: after reviewing the above-cited surveillance video during his CCRB interview, Sgt. Yung acknowledged that he patted PO Feaggins on the shoulder, but did not recall why he did so.

According to NYPD Patrol Guide Procedure 221-01 (Board Review 06), force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Further, any application or use of force must be reasonable under the circumstances.

Surveillance video shows that § 87(2)(b) moved his hands from a rear-handcuffed position to a front-handcuffed position, § 87(2)(g). While § 87(2)(b) described merely turning to look at PO Feaggins, the video shows that he forcefully pulled away from PO Feaggins. PO Feaggins responded by swinging § 87(2)(b) § 87(2)(g).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) alleged that while adjacent to the window, PO Feaggins pulled his rear-handcuffed arms upward, toward his upper back, and scratched his back using the handcuffs. Video surveillance shows that § 87(2)(b) had moved his hands to his front by the time he and PO Feaggins were near the window. § 87(2)(b) was not rear handcuffed until after PO Feaggins moved away from him. § 87(2)(g)

§ 87(2)(g)

Additionally, video evidence shows that PO Feaggins remained upright while § 87(2)(b) was positioned near the gated window, § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- PO Feaggins has been a member of service for 17 years and has been a subject in one additional CCRB complaint and one additional allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming injuries to face, head, neck, back, shoulders, legs, knees, and wrists; mental anguish and other psychological injuries including fear, anxiety, shame, humiliation, indignity, damage to reputation and credit; loss of earnings capacity and capability; and seeking \$5,000,000.00 as redress (Board Review 10). § 87(2)(a)

- § 87(2)(b), [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 12

Investigator:	<u>Annette Rodriguez</u>	<u>Inv. Annette Rodriguez</u>	<u>04/13/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Samuel Ross</u>	<u>IM Samuel Ross</u>	<u>04/14/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date